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May 24, 2022

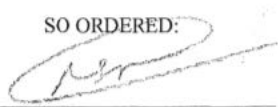
Defendant is directed to respond on or before
May 26, 2022 at 10am.

The Honorable Nelson S. Román
Federal Building and Courthouse
300 Quarropas Street
White Plains, NY 10601

Dated: May 25, 2022

White Plains, NY

SO ORDERED:


NELSON S. ROMÁN
United States District Judge

Re: *White Plains Housing Authority v. BP Products North America Inc., Marianina Oil Corp., and Atlantic Richfield Company*, Case No. 17-cv-6250 (NSR-JCM) [re. 13-cv-6282]

Dear Judge Román:

Although the hearing in the above-entitled matter was held before Your Honor on May 6, 2022, and today is May 24, 2022, counsel for Marianina has not proposed any language change to the purchase and sale agreement for the former BP Station that would address the concerns of the White Plains Housing Authority (“WPHA”) as referenced at the hearing. (Transcript pp. 23:12-25:22; 29:18-22; 30:6-11; 31:21-32:5; 33:16-34:5).

What has happened is that the White Plains Hospital (the “Hospital”) has requested that WPHA agree to supplemental sampling on its (WPHA’s) property. The sampling is needed because the latest data indicates that the contamination from the former BP Station has spread well to the west and northwest on the WPHA’s property beyond the plume’s previously known area of contamination. It has already contaminated portions of WPHA’s property in the vicinity of Building 159 that was originally remediated during the Getty litigation. The Hospital on Friday of last week indicated that it would need additional 30 days beyond the original 30 day stay of the sale of the former BP Station that Your Honor imposed on May 6, 2022, to conduct and evaluate the results of that sampling. That would extend the stay of sale of the former BP Station property from June 5, 2022, through July 5, 2022.

WPHA expects to negotiate such an access agreement consistent with the concessions made by Mr. William Null (Chairman of the Hospital’s Board) at the hearing. (Transcript 19: 23-23:14; 33:18-39:1). After completion of any such sampling and its evaluation, an amended the sale agreement will need to be negotiated if this matter is to be settled.

Accordingly, the WPHA respectfully requests that the stay of the sale of the former BP Station be extended from June 6, 2022, through and including July 5, 2022.

MEMO ENDORSED

N.W. Bernstein & Associates, LLC

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We have conferred with counsel for Marianina. He takes no position as to the continued stay.

We thank Your Honor for your attention to this matter.

Very Truly Yours,

/s/ Norman W. Bernstein

Norman W. Bernstein (NB123)
Counsel to the White Plains Housing
Authority

Cc: All counsel of record via ecf